

Message Text

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ACTION L-03

INFO OCT-01 ARA-16 ISO-00 AID-20 SS-20 H-03 DODE-00 NSC-07

IGA-02 PM-07 IO-14 CIAE-00 INR-10 NSAE-00 RSC-01

DRC-01 /105 W

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R 102152Z APR 74

FM AMEMBASSY BOGOTA

TO SECSTATE WASHDC 2188

INFO USCINCSO

AMCONSUL CALI

AMCONSUL MEDELLIN

C O N F I D E N T I A L BOGOTA 3068

E.O. 11652: GDS

TAGS: PINS, CO

SUBJECT: POLITICAL PRISONERS

REF: STATE 068545

USCINCSO FOR J-2

1. COLOMBIA HAS A GOOD RECORD WITH RESPECT TO CIVIL LIBERTIES AND SECTION 32 OF THE FAA DOES NOT APPLY. THE GOVERNMENT OF COLOMBIA DOES NOT PRACTICE THE INTERNMENT OR IMPRISONMENT OF ITS CITIZENS FOR POLITICAL PURPOSES.

2. THERE ARE NO POLITICAL PRISONERS IN COLOMBIA, ALTHOUGH THERE IS IN THE COURTS A COMPLEX AND MISUNDERSTOOD CASE INVOLVING GUERRILLAS AND PERSONS SUSPECTED OF AIDING GUERRILLAS.

3. THE MILITARY AUTHORITIES IN MID-1972 APPREHENDED LARGE NUMBERS OF PERSONS SUSPECTED OF BEING GUERRILLAS AND MEMBERS OF AN URBAN GUERRILLA NET; THE ARRESTS WERE MADE WHEN THE COUNTRY WAS UNDER STATE OF SIEGE. AFTER FULL CONSTITUTIONAL GUARANTEES WERE RESTORED AT THE END OF

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1973 A HIGH COURT RULED THAT THE SUSPECTS MUUT BE

TURNED OVER TO CIVILIAN JUSTICE. THE CASES WERE TRANSFERRED TO A CRIMINAL COURT IN BOGOTA AND THE DEFENSE HAS PETITIONED FOR RELEASE OF MOST PRISONERS ON THE GROUNDS THEY HAVE ALREADY SERVED THE MINIMUM TIME TO WHICH THEY COULD BE SENTENCED. A NUMBER OF THE SUSPECTS HAVE BEEN DETAINED FOR ALMOST TWO YEARS WITHOUT SENTENCING; SOME HAVE CONFESSED TO THE CHARGES AGAINST THEM OTHERS HAVE NOT.

4. IT IS OUR OPINION THAT THE CIRCUMSTANCES SURROUNDING THE CASE OF THE GUERRILLA SUSPECTS ARE SUCH THAT THEY CANNOT BE CALLED POLITICAL PRISONERS. THE GUERRILLAS HAVE ENGAGED IN ROBBERY, MURDER AND KIDNAPPING THEIR ELIMINATION IS A HIGH PRIORITY OF THE GOVERNMENT AND THE POLICY HAS THE SUPPORT OF SOCIETY AT LARGE. THE MILITARY HELD THE GUERRILLA SUSPECTS BECAUSE THE COUNTRY WAS UNDER A STATE OF SIEGE. WHEN THE STATE OF SIEGE ENDED, THE MILITARY AUTHORITIES COMPLIED WITH A RULING TO TURN THE MATTER OVER TO CIVILIAN JUSTICE. THE LONG INCARCERATION OF THE SUSPECTS PRIOR TO SENTENCING IS NOT INCONSISTENT WITH COLOMBIAN PRACTICE IN CRIMINAL JURISPRUDENCE; THIS IS A SERIOUS PROBLEM, BUT HAS NOTHING TO DO WITH POLITICAL PRISONERS.

5. COLOMBIA HAS A LONG TRADITION OF TOLERATION OF POLITICAL DISSENT, THE VIOLENCE OF THE 1940'S AND 50'S NOTWITHSTANDING. THE COMMUNIST PARTY IS LEGAL AND ITS MEMBERS PARTICIPATE FREELY AND OPENLY IN THE POLITICAL LIFE OF THE NATION, AS DO MEMBERS OF THE MAOIST ORGANIZATION KNOWN AS MOIR (INDEPENDENT AND REVOLUTIONARY WORKERS MOVEMENT) AND OTHER RADICAL GROUPS.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLITICAL REPRESSION, POLITICAL PRISONERS, PRISONERS WELFARE, COURTS
Control Number: n/a
Copy: SINGLE
Draft Date: 10 APR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974BOGOTA03068
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740083-0319
From: BOGOTA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740453/aaaabvxi.tel
Line Count: 95
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: STATE 068545
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 11 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <11 SEP 2002 by martinml>; APPROVED <06 FEB 2003 by GolinoFR>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: POLITICAL PRISONERS
TAGS: PINS, CO
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005